

REMARKS

The Official Action of April 23, 2008, and the prior art relied upon have been carefully reviewed. The claims in the application are now claims 1-9, 11-19, 21-23, 25-28, 31-37, 39-42, 44 and 48, and new claims 49 and 50, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and allowance are respectfully requested.

Acknowledgement by the PTO of the receipt of applicants papers filed under Section 119 is noted.

New claims 49 and 50 have been added. These depend from and incorporate respectfully the features of claim 31 and 49, and therefore are patentable at least for the same reasons as claims 31 and 49. These new claims recite that the system is adapted to pre-shape the exciting beams (Claim 49) to arrive at the focusing/collecting arrangement with predetermined degree of divergence/convergence and to post-shape the collected excited beam (Claim 50) to provide predetermined degree of divergence/convergence thereof.

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Claim 31 has been slightly amended to emphasis that the system is configured to correct for chromatic and spherical aberrations of the light focusing and collection.

Claim 32 has been amended to be dependent on Claim 49, because the provision of a beam shaping assembly is an example of the more general concept of applying beam shaping, and alternatively such shaping (or desired divergence/convergence) can be achieved by adjusting a distance between the focusing/collecting assembly and the light source assembly.

Claims 1-4, 6, 7, 11-19, 21-23, 25-28, 31, 32, 34, 35, 39-42, 44 and 48 have been rejected under Section 102 as anticipated by Hesselink et al USP 7,129,006 (Hesselink). The Examiner's interpretation of Hesselink is incorrect at least with regard to the use in Hesselink of "exciting radiation in the form of first and second light beams of first and second different wavelengths", especially with reference to col. 3 lines 62-66. More specifically:

The technique of Hesselink deals with an optical storage system and method having separate, independent format writing and data writing mechanisms. The format writing mechanism utilizes hologram creation principles, where the hologram recording is carried out via two coherent monochromatic beams (i.e. signal and reference beams) of the

same, first wavelength to produce an interference pattern in the medium (see col. 3 lines 62-66 and col. 7 lines 49-62).

The data writing (recording) mechanism is carried out using a write beam of a second wavelength which may be different from the first wavelength. It should however be understood that in Hesselink, the data recording process is carried out independently and separately from the prior format hologram recording (see col. 4 lines 4-6). On the contrary, according to the present invention, a data recording/reading process concurrently directs first and second light beams of first and second different wavelengths and focuses them onto two sites in the medium at a predetermined distance between them (e.g. zero distance).

Also, it should be understood, and it is described in the present application (e.g. page 8 lines 5-23, page 13 lines 1-15, and page 15 lines 9-28), that the chromatic aberrations correction in the exciting (and excited) light required for concurrent focusing of different wavelengths with a predetermined relation between them (to a predetermined distance between respective sites) can for example be performed by shaping (pre-shaping and post-shaping) the beams.

Thus, Hesselink does not utilize and therefore does not show at least feature (b) of method claim 1, *namely concurrently directing said first and second light beams and*

focusing them onto two sites in the medium in a predetermined distance between them and correcting for chromatic and spherical aberrations of the light focusing and collection.

Accordingly, Hesselink does not anticipate the rejected claims. Withdrawal of the rejection is in order and is respectfully requested.

Applicants have at this stage not argued separate the patentability of dependent claims, but applicants respectfully reserve the right to do so should it become necessary or desirable. In other words, the lack of such arguments at this stage is not to be taken as any acquiescence that the patentability of the dependent claims depends entirely on the patentability of the independent claims.

Claims 5 and 33 have been rejected as obvious under Section 103 from Hesselink in view of alleged admitted prior art. This rejection is respectfully traversed.

While applicants do not necessarily admit that it would have been obvious for a person of ordinary skill in the art at the time of the present invention was made to apply what is referred to as admitted prior art to modify Hesselink,

applicants need not rely on such an argument at the present time.

Instead, applicants respectfully note that claims 5 and 33 depend respectively on claims 1 and 31, and therefore incorporate the subject matter thereof. The allegedly admitted prior art does not make up for the deficiencies pointed out above with respect to the application of Hesselink against claims 1 and 31, and indeed has not been cited to do so. Therefore, claims 5 and 33 define novel and non-obvious subject matter for the reasons pointed out above with respect to claims 1 and 31.

Withdrawal of the rejection is in order and respectfully requested.

Claims 8, 9, 36 and 37 have been rejected as obvious under Section 103 from Hesselink in view of Kojima et al USP 6,366,542 (Kojima). This rejection is respectfully traversed.

Again, these claims depend from and therefore incorporate the subject matter of either claim 1 or claim 31. Even if the combination as proposed were obvious, not admitted, claims 8, 9, 36 and 37 would still be patentable for the same reasons as pointed out above with respect to claims 1 and 31, it being noted that Kojima has not been cited to make

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up for the deficiencies as pointed out above with respect to Hesselink, and indeed does not do so.

Withdrawal of the rejection is in order and is respectfully requested.

The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicants' claims.

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

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